

BILL NO. S-72-10-06

SPECIAL ORDINANCE NO. S- 88-72

AN ORDINANCE approving a certain bid document with Ray O'Herron Company, Inc. for (50) Smith & Wesson Revolvers.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A certain bid document Ref. No. 474 dated September 22, 1972 between the City of Fort Wayne, by and through its Mayor and the Board of Public Safety-Police Department and Ray O'Herron Company, Inc., for:

(50) Smith & Wesson Model 15 Revolvers
Company Masterpiece .38 Caliber 4"
Blue Barrel.

\$67.35 each \$3,367.50

as more specifically set forth in said bid document Ref No. 474 and Purchase Order No. 3-10460, which are on file in the office of the Department of Purchasing, and are by reference incorporated herein and made a part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

William T. Hinga
Councilman

APPROVED AS TO FORM
AND LEGALITY,
David B. Kelly
CITY ATTORNEY

Read the first time in full and on motion by Heigra seconded by V. Schmidt and duly adopted, read the second time by title and referred to the Committee on Finance (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.

Date: 10-10-72

Charles W. Tutermaier
CITY CLERK

Read the third time in full and on motion by Heigra seconded by Salvino and duly adopted, placed on its passage. Passed (~~last~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
Burns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinga	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kraus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nuckols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, D.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Talarico	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date 10-24-72

Charles W. Tutermaier
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as (~~Zoning~~ Map) (General) (Annexation) (Special) (Appropriation) Ordinance (~~Resolution~~) No. 1-88-72 on the 24th day of October, 19 72.

ATTEST (SEAL)

Charles W. Tutermaier
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 19 72 at the hour of 10:00 o'clock A M., E.S.T.

Charles W. Tutermaier
CITY CLERK

Approved and signed by me this 30th day of October, 19 72 at the hour of 10:00 o'clock 4 M., E.S.T.

Law A. Schandy
MAYOR

Bill No. S-72-10-06

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
approving a certain bid document with Ray O'Herron Company,
Inc. for (50) Smith & Wesson Revolvers.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

William T. Hinga, Chairman

Winfield Moses, Jr. - Vice-Chairman

James S. Stier

Samuel J. Talarico

Paul M. Burns

William T. Hinga
in Winfield Moses, Jr.

James S. Stier

Samuel J. Talarico

Paul M. Burns

DATE 10-24-72 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

CITY OF FORT WAYNE

INTER-DEPARTMENT COMMUNICATION

FROM: DEPARTMENT OF PURCHASES

October 5, 1972

TO: David Keller, City Attorney 825 Anthony Wayne Bank Bldg.
~~1220 KENNEDY DRIVE~~, Ft. Wayne, Indiana

SUBJECT: Bid Reference No. 474, Board of Public Safety, Police Department
(50) Smith & Wesson

Dear Mr. Keller

Please prepare an ordinance to be introduced in the common council October 10, 1972, approving a contract between the City of Fort Wayne, by and through its Mayor, and the Department of Purchases, and Ray O'Herron Company, Inc.
812 N. Vermilion Street
Danville, Illinois 61832

For the following:

(50) Smith & Wesson Model 15 Revolvers
Combat Masterpiece .38 Caliber
4" Blue Barrel.

\$67.35/each = \$3,367.50

as more particularly set forth in Department of Purchases Bid document, Reference No. 474 and Purchase Order No. 3-10460, on file in the Department of Purchases.



A. T. Demetroff
Assistant

ATD/rb

ABULATION OF BIDS	(50) Smith & Wesson Mdl. 15 Revolvers Combat Masterpiece .38 Cal. 4" Blue Barrel			
BID REF. 474				
CLOSING DATE 10/5/72 Police Department				
Ray O'Herron NON COLLUSION AFF CERTIFIED CHECK 168.37 Delivery 14 days	67.35 ea 3367.50			
Standard Law & Equip- ment Bid Bond Del 30-45 days Non collusion aff. 170.30 ea	69.43 ea 3471.50 1			
Norm's Sport Shop				
Freemans Sporting Goods NON COLLUSION AFF	86.86 ea 4343.00			
Schlatter Hardware Cert. check 178.23 Bid Form Not complete Delivery 30 days ARO	71.29 ea 3,564.50			
Tillmans Gun Shop				

OFFICE OF THE CITY CLERK DEPARTMENT OF PURCHASES

Number One Main St., Ft. Wayne, Ind. 46802

INVITATION

Quotations, subject to the conditions on the reverse hereof, are requested on the following list of materials, supplies, equipment or services, for the department as mentioned, with delivery to destination as shown below. Quotations shall include all charges for delivery, packing, etc. Address your reply as indicated below.

(Telephone 423-7037)

DEPARTMENT OF PURCHASES

Tell all replies and correspondence, etc. to Attn. of A.T. Demetroff

Room 950, Number One Main St., Ft. Wayne, Ind. 46802

REQUIRED FOR DELIVERY TO:

Department or Division Board of Public Safety-Police Department

9th Flr., City-County Bldg.

One Main St., Ft. Wayne, Ind. 46802

Address One Main St., Ft. Wayne, Ind. 46802

RETURN ORIGINAL TO THE CITY—RETAIN DUPLICATE COPY FOR YOUR FILE

Closing Time of Bids Thursday, October 5, 1972 at 10:00 A.M.

TAXES: THE CITY IS EXEMPT FROM FEDERAL EXCISE AND INDIANA STATE SALES TAX. THE CITY'S INDIANA SALES TAX EXEMPTION CERTIFICATE NUMBER IS NO. 24508. PRICES SHOULD NOT INCLUDE THESE TAXES. See "Instructions to Bidders" No. 10 on reverse hereof for details.

TAX EXEMPT (Unless otherwise indicated)

Qty	Unit	Materials, Supplies, Equipment or Services	Unit Price	Total Amount
50	Smith & Wesson Model 15 Revolvers Combat Masterpiece .38 Caliber 4" Blue Barrel	\$67.35	\$3,367.50	

Performance Bond required ☐ YES ☒ 5% of Bid See instruction item No. 15 on reverse side hereof.

cash discount if paid within 14 days from delivery and acceptance of goods or completion of services.

PROPOSAL OR BID

In compliance with the above invitation for bids and subject to all conditions thereof, the undersigned offers and agrees, if this bid be accepted within a reasonable time from date of closing, to furnish any or all of the items or render such services upon which prices are quoted, in accordance with the specifications applying and at the rates set opposite each item.

delivery of any or all of the items or completion of services indicated shall be made within 14 days from receipt of order.

IMPORTANT

As delivery may be a deciding factor in the award of an order, it is important that bidders furnish the information requested above.

Sign Here:

Raymond O'Herron Co., Inc.
Raymond O'Herron Vice President

Address 812 N. Vermilion St.
Danville, Il. 61832

Page 1 of 5

Ref. No. 474

Date September 22, 1972

Date wanted _____

Show Best Delivery

Fund Appropriation No8-5-54E

9/27/72

GENERAL CONDITIONS, INSTRUCTIONS TO BIDDERS AND INFORMATION FOR BIDDERS

1. **Special Conditions:** Special conditions included in the Bid Document shall take precedence over any provisions stipulated hereunder.
2. **Applicable Laws:** The Revised statutes of the State of Indiana, and all City ordinances insofar as they apply to the laws of competitive bidding, contracts, and purchases, are made a part hereof.
3. **Workman's Compensation:** Insofar as Workmen's Compensation Act is concerned, the bidder or contractor agrees to furnish an official certificate from the Industrial Board of Indiana, showing that he is in compliance with such law, whenever such certificates are required in the Bid Document.
4. **Infringements and Indemnification:** The bidder, if awarded an order or contract, agrees to protect, defend, and save the City harmless against any demand for payment for the use of any patented material, process, article, or device that may enter into the manufacture, construction, or form a part of the work covered by either order or contract and he further agrees to indemnify and save the City harmless from suits or actions of every nature and description brought against it, for or on account of any injuries or damages received or sustained by a party or parties, by or from any of the acts of the contractor, his servants, or agents.
To this extent the bidder or contractor agrees to furnish adequate Public Liability and Property Damage Insurance, the amount of which will be determined by the City whenever such insurance is deemed necessary. When so required the types and amounts of insurance to be provided is set forth in the Bid Document.
5. **Pricing:** Prices should be stated in units of quantity specified in the Bid Document. In case of discrepancy in computing the amount of the bid the unit prices quoted will govern.
6. **Delivery:** Quotations should include all charges for delivery, packing, crating, containers, etc. Unless otherwise stated by the bidder prices quoted will be considered as being based on delivery to the destination designated in the Bid Document and to include all delivery and packing charges.
7. **Specifications:** Unless otherwise stated by the bidder the proposal will be considered as being in strict accordance with the specifications outlined in the Bid Document.
References to a particular trade name, manufacturer's catalog or model number are made for descriptive purposes to guide the bidder in interpreting the requirements of the City. They should not be construed as excluding proposals on other types of materials, equipment and supplies. However the bidder, if awarded a contract, will be required to furnish the particular item referred to in the specifications or description unless a departure or substitution is clearly noted and described in the proposal.
8. **Samples:** Samples, when requested, must be furnished free of expense to the City and if not destroyed, will upon request be returned at the bidder's expense.
9. **Cash Discounts:** Time in connection with each document offered, will be computed from date of delivery and acceptance of final destination or from date properly executed claim voucher is received, if the latter date is later than the date of delivery and acceptance.
10. **Taxes:** The City is generally exempt from Federal Excise and Indiana State Sales Tax. Quotations must be separated to show the amount to be added for taxes of any kind if applicable. Prices should not include tax. The City will pay such taxes as are applicable to this purchase. Exemption forms will be furnished wherever necessary. Taxes wherever indicated and which are applicable to this purchase, will not be subject to any trade or cash discounts.
11. **Void Informalities and Rejection:** The City reserves the right to waive informalities not inconsistent with law or to reject any or all bids.
12. **Awards:** Unless otherwise specified in the Bid Document the City reserves the right to accept any item in the bid. Unless otherwise stated in the Bid Document bidders may submit proposals on any item or group of items, provided however that the unit prices are shown as requested.
13. **Payments:** Partial payments may be made upon presentation of properly executed claim voucher unless otherwise stated in the Bid Document. The final payment will be made by the City when the materials, supplies or equipment has been fully delivered and accepted or the work completed to the full satisfaction of the City.
14. **Bidder's Signature:** Each proposal form must be signed by the bidder with his usual signature. All signatures should be in full. This by partnership should include the names of the partners comprising the partnership and must be signed by one or more of the partners in the following manner: "John Jones and James Smith, d.b.a., Smith-Jones Company, by John Jones, a partner".
Bids by corporations must be signed with the names of the corporation, followed by the signature and designation of the president, vice-president, or person authorized to bind it in the matter.
15. **The successful bidder, or contractor, agrees that he will comply with Indiana Acts 1961, chapter 268, section 10, being Burns Indiana Statutes 40-2316-1944 supplement requiring such bidder, contractor, or his subcontractor not to discriminate with respect to hiring, tenure, terms, conditions, or privileges of employment because of race, color, religion, national origin or ancestry.**
16. **Unless otherwise specifically indicated under the individual listing in the legal advertisement or invitation to bid, all bids shall be subject to the following:**
 - a) A Bid bond, deposit of cash, certified check or Bank Cashiers Check, in the amount specified, drawn on a solvent bank payable to the City of Fort Wayne or to the contracting division thereof.
 - b) The successful bidder will be required to furnish a bond or Certified Check on a solvent bank, payable to the City of Fort Wayne or to the contracting division thereof, in the amount specified in the notice of bids wanted or the invitation to bid, as a guarantee for the faithful performance thereof.
17. **Submission and Receipt of Bids:**
 - a) Proposals, to receive consideration, must be received prior to the specified time of closing as designated in the invitation.
 - b) Bidders must use the Bid Document proposal form furnished by the City as none other will be accepted. Proposal forms must be returned intact. Removal of any part thereof may invalidate the bid.
 - c) Bidders are requested to use the Bid Envelope if furnished by the City, or other similarly identified envelope to assure proper handling. Envelopes should be sealed when submitted with information on the face of the Bid Envelope to identify the bid, e.g., Bid Reference number and date of closing and City Agency involved.
 - d) Bidders in proposals must be submitted on each reference number.
 - e) Proposals having any erasures or corrections thereon may be rejected unless explained or noted over the signature of the bidder.

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA, }
FOUNTAIN COUNTY } SS:

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting, nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale or contract.

Raymond O. C. O'Herron

Raymond O. C. O'Herron
Bidder or Agent

For Ray O'Herron Company, Inc.
Firm or Corporation

Subscribed and sworn to before me this 27 day of Sept, 1972

My Commission Expires

12-13-72

May L. Butler

REQUEST FOR PUBLICATION

News	
Sentinel	X
Journal	X
Gazette	
Other	

DATE September 22, 1972

Kindly publish the following advertisement on the dates as shown and issue invoice to *

* Department Board of Public Safety E
9th Flr., City-County Bldg.
 Address One Main St., Ft. Wayne, Ind. 46802

Department of Purchases,
 City of Fort Wayne

By [Signature]

BIDS WANTED - REFERENCE NO. 474

Sealed Proposals will be received by the City of Fort Wayne at the Office of Department of Purchases, Number One East Main Street, Room 950, Fort Wayne, Indiana, until 10:00 A.M., Thursday, October 5, 1972 for the following items:

- 50 - Smith & Wesson Model 15 Revolvers Combat Masterpiece .38 Caliber 4" Blue Barrel

Bid Forms, specifications, etc., may be obtained upon application at the office and address given above.

A Bid Bond or Certified Check in the amount of \$ 5% of Bid must be submitted with the bid.

Department of Purchases
 City of Fort Wayne
 By A.J. Blinn
 Director of Purchases

INSERT 1st RUN

REPEAT 2nd RUN

Type of Advertising Required

September 25, 1972

October 2, 1972

LEGAL NOTICE x

PROPOSAL AND BID SURETY FORM

PROPOSAL:

In compliance with the foregoing invitation to bid and subject to all of the conditions thereof the undersigned offers and agrees, if this bid is accepted within a reasonable time from date of opening of bids, to enter into a contract in accordance with the prices stated herein.

The Legal Advertisement, General Conditions, Instructions to Bidders, Information for Bidders, Special Conditions, Specifications, and Plans applying form a part of this proposal.

This proposal is supported by the following bid surety as required by law and signatures affixed thereto constitute both a proposal and bid surety executed by the bidder.

BID SURETY (REQUIRED BY LAW):

BOND FORM: (USE THIS BOND FORM—NO ALTERNATE FORM OF BOND WILL BE CONSIDERED).

KNOW ALL MEN BY THESE PRESENTS, THAT we, the undersigned, are held and firmly bound unto the City of Fort Wayne, State of Indiana, in the sum of.....

.....Dollars, to be paid on demand to said City of Fort Wayne, its successors and assigns for which payment well and truly to be made, we hereby bind ourselves, our heirs, successors, executors, and administrators, jointly and severally firmly by these presents.

The condition of this obligation is such that if the bid or proposal attached hereto and made a part hereof and submitted to the within named division of the City of Fort Wayne or its duly constituted agent, is accepted and a contract awarded to the undersigned bidder and the said bidder shall within ten (10) days after notice of said award enter into a contract with the said City of Fort Wayne, State of Indiana, and shall secure the performance of the same by bond or otherwise as may be required to the satisfaction of the City of Fort Wayne, Indiana then this obligation shall be null and void; otherwise to be in full force and effect.

BID CHECK (ALTERNATE FORM OF SURETY):

If a corporate surety is furnished, it is necessary that a certificate authorizing the "attorney-in-fact" to sign the bond accompanying the same.

Certified ☒

Cashiers ☐ Check No. 11193 in the sum of One hundred sixty-eight and -----

37/100

.....Dollars on First National Bank of Danville Bank

of Danville, Illinois 61832 is herewith submitted and deposited in lieu of bond under the same terms and conditions as set forth in the above bond.

Note: If Check is used as Bid Surety—Attach here.

SIGNATURES (BID SURETY AND PROPOSAL):

Witnessed by:

OTHER PARTIES INTERESTED IN THIS PROPOSAL

(See 14—Signatures under General Conditions, etc.)

List all Parties if Partnership

BIDDER
AND
PRINCIPAL

Ray O'Herron Company, Inc.

Name of Bidder—Print or Type

By

Raymond O.C. O'Herron

Signature of Person Authorized to Sign

Title

Vice President

812 N. Vermilion St.

Street Name and Number

Danville, Ill 61832

City, State and Zip Code

Date

9-27-72

Witnessed by:

SURETY

Ray O'Herron Company, Inc.

Name of Company — Print or Type

Incorporated

In the State of: Illinois

Address 812 N. Vermilion St.

Danville, Ill 61832

By

Raymond O.C. O'Herron

Sign on this Line

Date

9-27-72

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

BILL NO.	<i>A-72-10-06</i>
ORDINANCE NO.	<i>A-88-72</i>
<input checked="" type="checkbox"/> REGULAR SESSION	
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Keller</i>
BILL WRITTEN BY	
DATE INTRODUCED	<i>10-10-72</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Kenja Finance</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	<i>10-24-72</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
<input checked="" type="checkbox"/>	PURCHASE ORDERS
<input checked="" type="checkbox"/>	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS <i>Purchase</i> FROM
	ZONING MAPS
	ABSTRACTS - <i>affidavit</i>
	TITLES
	PRIOR APPROVAL LETTER

COUNCILMAN'S VOTE

	AYES <i>7</i>	NAYS <i>0</i>	ABSENT
BURNS	<input checked="" type="checkbox"/>		
HINGA	<input checked="" type="checkbox"/>		
KRAUS	<input checked="" type="checkbox"/>		
MOSES	<input checked="" type="checkbox"/>		
NUCKOLS	<input checked="" type="checkbox"/>		
D. SCHMIDT	<input checked="" type="checkbox"/>		
V. SCHMIDT	<input checked="" type="checkbox"/>		
STIER	<input checked="" type="checkbox"/>		
TALARICO	<input checked="" type="checkbox"/>		

COMMENTS: